DOCKET NO.: 2007-0552-AGR-E **TCEQ ID:** RN101522233 **CASE NO.:** 33160

RESPONDENT NAME: Peter Wilfridus de Ridder dba de Ridder Dairy

ORDER TYPE:		
_1660 AGREED ORDER	_X_FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Dairy SMALL BUSINESS: _X Yes OTHER SIGNIFICANT MATTERS: The facility location. INTERESTED PARTIES: No one other th COMMENTS RECEIVED: The Texas Reg CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinated TCEQ Enforcement Coordinated David Van Soest, Enforcement Dir Respondent: Mr. Peter Wilfridus of Coordinated Coordinat	re are no complaints. There is no record of additional and the ED and the Respondent has expressed an integister comment period expired on September 3, 2007 or: None remains the respondent Division, Enforcement Division,	al pending enforcement actions regarding this rest in this matter. 7. No comments were received. ement Team 1, MC 169, (512) 239-1364; Mr.

RESPONDENT NAME: Peter Wilfridus de Ridder dba de Ridder Dairy **DOCKET NO.:** 2007-0552-AGR-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS PENALTY CONSIDERATIONS VIOLATION INFORMATION TAKEN/REQUIRED Type of Investigation: Total Assessed: \$3,542 **Corrective Actions Taken:** Complaint X Routine 1) The Executive Director recognizes that on Total Deferred: \$0 Enforcement Follow-up May 9, 2007, the Respondent began Expedited Settlement X Records Review operating under a CNMP certified by the ___Financial Inability to Pay TSSWCB. Date(s) of Complaints Relating to this **Ordering Provisions:** Case: None SEP Conditional Offset: \$0 2) The Order will require the Respondent to: Date of Investigations Relating to this Total Paid to General Revenue: \$3,542 Case: March 9, 2007, April 4, 2007, April 17, 2007 **Site Compliance History Classification** a. Within 30 days after the effective date of this Agreed Order: __ High _X_ Average __ Poor Date of NOEs Relating to this Case: i. Submit payment for all outstanding fees. March 30, 2007 and May 25, 2007 (NOE) Person Compliance History Classification including any associated penalties and High X Average Poor interest: Background Facts: Two records review and one routine investigation took place. Major Source: ___ Yes _X_ No Four violations were documented. ii. Remove the stockpiles of manure from Applicable Penalty Policy: September 2002 the calf lot on the east side of the Facility WATER and relocate storage stockpiles to an area Findings Orders Justification: Three or more where contaminated runoff will drain into 1) Failure to develop and operate under a enforcement actions for the same violation the retention control structure; and comprehensive nutrient management plan were documented at the Facility within the last ("CNMP") certified by the Texas State Soil five years. iii. Initiate employee and operator training to and Water Conservation Board ensure that all record keeping and reporting ("TSSWCB"). Specifically, a CNMP was requirements are properly accomplished, submitted to the TSSWCB for review, but including the procedures for reporting the the Respondent failed to respond to soil sample results within the required time requests for additional information from frames. the TSSWCB and the TCEQ [30 Tex. ADMIN. CODE § 321.42(s)]. b. Within 45 days after the effective date of this Agreed Order, submit written 2) Failure to pay outstanding Consolidated certification including detailed supporting Water Quality fees and associated late fees documentation including photographs, for TCEQ Account No. 23001407 for receipts, and/or other records to Fiscal Years 2005, 2006, and 2007 [Tex. demonstrate compliance with Ordering WATER CODE §§ 5.702 and 26.0135(h) and Provision Nos. 2.a.i. through 2.a.iii. 30 Tex. Admin. Code § 21.4]. 3) Failed to store stockpiled manure in a well drained area with no ponding of water and in a contained area where contaminated runoff would be retained on site [30 Tex. ADMIN. CODE § 321.39(f)(24)(B)]. 4) Failed to timely submit soil sample results to the TCEQ within 60 days of the sampling [30 Tex. ADMIN. CODE §

321.49(f)].

	Pe	nalty	Calcula	ion W	'orksh	neet (F	PCW)		. —
Policy Revision 2 (Septe	ember 2002)						·	PCW Revision	March 19, 2007
DATES Assigned PCW	29-May-2007 13-Jun-2007	Screenin	ng 13-Jun-20	07 EP	A Due	3 9 3		7.7	
RESPONDENT/FACILITY									
	Peter Wilfridus	de Ridder	dba de Ridde	Dairy					
Reg. Ent. Ref. No. I Facility/Site Region		orth			Major/Mi	inor Sourc	e Minor		
CASE INFORMATION	是	1.02	E 22 2 22		1 3 8	5 3 5	3.50 G		
Enf./Case ID No.	33160 2007-0552-AGF	TE				f Violation	s 2 e Findings		_
Media Program(s)		Y-E					r Lynley Doy	en	
Multi-Media							n Enforceme		
Admin. Penalty \$ L	imit Minimum	\$0	Maximum	\$10	,000				
		Pen	alty Calc	ulation	Secti	on			
TOTAL BASE PENAL	TY (Sum of v	/iolation	base pena	alties)	图 单名		Subtota	11	\$1,100
ADJUSTMENTS (+/-)	TO SUBTOT	ΔΙ 1			100				
Subtotals 2-7 are obtain	ed by multiplying the		COLORO SANCES CONTRACTOR SANCES AND ARRESTS.	SHOWN AND REPORT OF THE PARTY O	Expression and the second seco				
Compliance Histo				22% Enhan			ototals 2, 3, &	.7	\$242
Notes	The penalty is e similar as tho	se cited in	this action ar	d one NO	√ with vio		or		
L	- :	ame or sin	nilar to those	cited in this	action.				:
Culpability	No	\$ B L		0% Enhan	ncement	美工业	Subtota	14	\$0
Notes	The Re	espondent	does not me	et the culpa	ability crite	eria.			
L Good Faith Effort	to Comply	F & B		0% Red	uction	2 24 52	 Subtota	15	\$0
Section and English	Before NOV	NOV to ED	PRP/Settlement		uouon		Juniolu	. × L	<u></u>
Extraordinary									
Ordinary N/A	X	(mark with x	<u>l</u>)					•	
Notes	The Ro	espondent	does not me	et the good	faith crite	eria.			
L				00/			ا م		***
A	Total EB Amounts	\$42	*c.	0% Enhand apped at the		Amount	Subtota	16	\$0
Approx. C	Cost of Compliance	\$775							
SUM OF SUBTOTALS	§ 1-7		\$2 B				Final Subto	tal	\$1,342
OTHER FACTORS AS							Adjustme	ent	\$0
Reduces or enhances the Final St آ	ubtotal by the indica	ted percentag	ge. <i>(Enter numb</i>	er only; e.g3	30 for -30%.)		,	
Notes		- 1 . - 1							
Ĺ		<u> </u>	<u> </u>	<u> </u>		Final F	 Penalty Amou	ınt	\$1,342
STATUTORY LIMIT A	D III GTRAEKI	r				Einel 1-	sessed Pena	14.5	\$1,342
SIAIUIUKI LIMII A	PAOS I MEN	l .		To the Control	TAY ST	rinai AS	sessea rena	ny	φ 1,34Z

Reduction Adjustment

\$0

\$1,342

DEFERRAL

Notes

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Respondent Peter Wilfridus de Ridder dba de Ridder Dairy

Case ID No. 33160

Reg. Ent. Reference No. RN101522233 Media [Statute] Water Quality Enf. Coordinator Lynley Doyen

Policy Revision 2 (September 2002) PCW Revision March 19, 2007

			CONTRACTOR OF THE PARTY OF THE	MALE AND
Component	Site Enhancement (Subtotal 2) Number of	Inter Number Here	Adjust.	
	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%	
	Other written NOVs	1 1	2%	
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0 ,	0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0'	0%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	. 0	0%	
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	S. S.
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
Emissions	Chronic excessive emissions events (number of events)	0, 17	0%	
Audits	Letters notifying the executive director of an Intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0.17	0%	
	Pleas	se Enter Yes or No	The same of	
	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
0,,,,,	Participation in a voluntary pollution reduction program	No	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
<u>La castal tantangun san san s</u>	Adjustment P	ercentage (Si	ıbtotal 2)	2
peat Violator (Su	btotal 3)			
No	Adjustment P	ercentage (Si	ıbtotal 3)	(
mpliance History	Person Classification (Subtotal 7)	7 7 7 7		
Average Pe		ercentage (S	ıbtotal 7)	(
mpliance History	Summary			
Compliance History Notes	The penalty is enhanced due to four prior NOVs with violations same or similar as those cite and one NOV with violations not same or similar to those cited in this action.	d in this action	7.00	
	■ The state of th			

Screening Date		Docket No. 2007-0552-AGR-E	All the district of the second	PCW
		e Ridder dba de Ridder Dairy	Policy Re	vision 2 (September 2002)
Case ID No.			PCV	V Revision March 19, 2007
Reg. Ent. Reference No.				· production
Media [Statute]				
Enf. Coordinator Violation Number				
Rule Cite(s)		30 Tex. Admin. Code § 321.39(f)(24)(B)		
Violation Description	a contained are the investigate located in a cal	ockpiled manure in a well drained area with no ponding of wat as where contaminated runoff would be retained on site. Spec or observed significant ponding or puddling and manure stock if lot on the east side of the Facility in a location where contam off would not be directed to a retention control structure.	cifically, kpiles	
		Base	Penalty	\$10,000
>> Environmental, Property a	and Human He	alth Matrix	•	
B		Harm		
OR Release		loderate Minor		
Potential		x Percent 10%		
>>Programmatic Matrix	· 是 · 是2 维护是			
Falsification	Major M	loderate Minor		
		Percent 0%		
			1	1.30
		anure stockpile will or could expose human health or the envi nts of pollutants which would not exceed protective levels.	ronment	48. 48.
			<u> </u>	
		Adjustment	\$9,000	eronage o
				\$1,000
Violation Events			養養養	
Number of Vic	olation Events	1 57 Number of violation days	e	
		1 Violation day.	3	
mark only one with an x	daily monthly quarterly semiannual annual single event	X Violation Base	· Penalty	\$1,000
One quarterl	y event is recomm	nended from the investigation date (April 17, 2007) through the screening (June 13, 2007).	e date of	According to the control of the cont
Economic Benefit (EB) for th	is violation	Statutory Limit Tes	it -	
Fstimato	d EB Amount	\$28 Violation Final Pena	alty Total	\$1,220
Lounate			_	Ψ1,220
		This violation Final Assessed Penalty (adjusted fo	or limits)	\$1,220

	Peter Wilfridus	de Ridder dba de l	Ridder Dairy	Charles was no Profession Analysis	and the second section of the second		our any materials are stated as a second state of the second
Case ID No					÷.		
Reg. Ent. Reference No						Street Street	ngiki .W
1.0	Water Quality					3.60	Years of
Violation No					Y**.	Percent Interest	Depreciation
Violation No				75	and the second second	5.0	16
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
122 F 1 1 2 2 3 1 1 1 1 1		Date Nequired	I IIIai Date	113	interest Saveu	Offettine Gosts	LD Amount
Item Description	No commas or \$	1		371,077		and the second second	Alleman Control Laboratory
Delayed Costs							
Delayed Costs Equipment		Terror transcription		0.0	\$0	\$0 I	\$0
Buildings	5.15.090.00.00.10.	5 15/24/5/3		0.0	\$0	\$0	\$0
Other (as needed)	\$500	17-Apr-2007	31-Jan-2008	0,8	\$1	\$26	\$28
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	r // n/a	\$0
Training/Sampling		Str. 9 1 45.145.	and the saffang.	0.0	\$0	II II II n/a	\$0
Remediation/Disposal	and the state of t			0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
						CONCERNATION OF THE PROPERTY O	
Other (as needed)				0.0	\$0	n/a	\$0
Other (as needed) Notes for DELAYED costs	Estimated cos		nure stockpiles to Final date is the e	0.0 a conta	so ined location. Dat	n/a le required is the inv	\$0.
Notes for DELAYED costs		2.27.24.32.33	Final date is the e	0.0 a conta expected	\$0 ined location. Dat date of complianc	n/a te required is the inv ce.	\$0 restigation date
Notes for DELAYED costs Avoided Costs		2.27.24.32.33	Final date is the e	a conta expected	\$0 ined location. Dat date of complianc item (except for	n/a te required is the inv be. one-time avoided o	\$0 /estigation.date costs)
Notes for DELAYED costs Avoided Costs Disposal		2.27.24.32.33	Final date is the e	0.0 a conta expected entering	item (except for	n/a te required is the invoce. one-time avoided o	\$0 /estigation date costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel		2.27.24.32.33	Final date is the e	a contaix expected entering	ined location. Dat date of compliance item (except for \$0 \$0	n/a te required is the invite. one-time avoided of \$0 \$0	\$0 /estigation.date costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		2.27.24.32.33	Final date is the e	0.0 a conta expected entering	item (except for	n/a te required is the invoce. one-time avoided o	\$0 /estigation date costs) \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		2.27.24.32.33	Final date is the e	a containmentering	\$0 Ined location. Dat date of complianc Item (except for \$0 \$0 \$0	n/a te required is the invie. one-time avoided of \$0 \$0 \$0	\$0 /estigation date costs) \$0 \$0 \$0 \$0
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Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		2.27.24.32.33	Final date is the e	0.0 a contain expected expected of the contain expecte	\$0 Ined location. Dat date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a te required is the invite. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 restigation date costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
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Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		2.27.24.32.33	Final date is the e	0.0 a contain expected expected of the contain expecte	\$0 Ined location. Dat date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a te required is the invite. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 restigation date costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

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		eening Date				Docket No	. 2007-055	2-AGR-E		PCW
		Respondent		de Ridder di	oa de Ridder I	Dairy				vision 2 (September 2002)
Por		Case ID No. ference No.							PCI	V Revision March 19, 2007
1705		dia [Statute]								
		Coordinator						÷		
Er union mis un sellistic surv		lation Number								
		Rule Cite(s)			30 Tex. Admi	in. Code § 32	21.49(f)			
										openween and a second a second and a second
	Violatio	on Description	Failed to time Specifically, sa		dated Septer		6 were not			
								Bas	se Penalty	\$10,000
>> Envir	ronmenta	I, Property a	nd Human H		rix			美国新疆		
		Release	Major	Harm Moderate	Minor					
OR		Actual	major	Wiederate	· · · · · · · · · · · · · · · ·					
111		Potential					Percent	0%		
>>Progr	ammatic	Matrix	£ 1 54		E 1 195	5 CF 1 E				
		Falsification	Major	Moderate	Minor	3				
1 10					X		Percent	1%		
	Matrix Notes			At least 70%	of the rule rec	quirement wa	as met.			**
							Adjustmen	t	\$9,900	
-										\$100
\/:_T_4:_	. -									
Violatio	n Events		- E - E	45 1 5 3	32005	5 . 5 . 5		3.3 S.E.	5 4 75	
		Number of Vic	lation Events	1		57	Number	of violation da	ys	
		mark only one with an x	daily monthly quarterly semiannual annual single event	x			,	/iolation Bas	se Penalty	\$100
and the second s				One sin	gle event is re	ecommended	d.			
Econom	nic Benef	it (EB) for th	is violation			135 2	Statuto	ry Limit Te	st	
***************************************		Estimated	I EB Amount		\$14]	Violat	ion Final Per	nalty Total	\$122
***************************************				•	This violation	n Final Assa	ssed Penal	tv (adjusted	for limite)	\$122
		医黄疸多霉素	3 8 3 58				-sou i Gilai	-, (aajasta		Ψ12Z

	RN101522233 Water Quality				,	Percent Interest	Years of Depreciation
Violation No.	2				4	5.0	Depreciation 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		Art Billi				
Delayed Costs							
Equipment		For the second second		0.0	\$0	\$0	\$0
Bulldings'			10/10/2007 A	0.0	\$0	ii \$0	\$0
Other (as needed)	. \$25	21-Nov-2006	. 1-Dec-2006	0.0	\$0	\$0	\$0
Engineering/construction	40.000	The second secon		0.0	\$0 \$0	\$0 n/a	\$0 \$0
Land	Service and the service and th			0.0	\$0 \$0	n/a	\$0 \$0
Record Keeping System Training/Sampling	\$250	21-Nov-2006	1-Jan-2008	1.1	\$14	n/a	\$14
i raining/Sambling							
	ΨΖΟΟ	21 1404 2000	T Gail 2000				
Remediation/Disposal	Ψ200	2111072000	1 0011 2000	0,0	.\$0	n/a	\$0
Remediation/Disposal Permit Costs Other (as needed)	Estimated employee train	cost to submit soil s	ample results to t	0,0 0,0 0,0 the TCEO	\$0 \$0 \$0 2 and to update o are submitted on	n/a n/a n/a n/a perational guidance time. Date required	\$0 \$0 \$0 and conduct is the date the
Remediation/Disposal Permit Costs	Estimated employee train	cost to submit soil s ining to ensure that results were due.	ample results to t future soil sample Final dates are th	0.0 0.0 0.0 the TCEO e results e dates t	\$0 \$0 \$0 2 and to update o are submitted on that the soll sample	n/a n/a n/a n/a perational guidance time. Date required	\$0 \$0 \$0 and conduct Is the date the
Remediation/Disposal Permit Costs Other (as needed)	Estimated employee tra soil sample	cost to submit soil s ining to ensure that results were due.	ample results to t future soil sample Final dates are th t operational guid	0.0 0.0 0.0 the TCEC e results e dates t ance and	\$0 \$0 \$0 and to update of are submitted on that the soil sampled employee training term (except for	n/a n/a n/a perational guidance time. Date required e results were subn g will be completed one-time avoided	\$0 \$0 \$0 and conduct is the date the itted and the costs)
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated employee tra soil sample	cost to submit soil sining to ensure that results were due. expected date that	ample results to t future soil sample Final dates are th t operational guid	0.0 0.0 0.0 the TCEC e results e dates t ance ance	\$0 \$0 \$0 and to update o are submitted on that the soil sampld employee training them (except for \$0	n/a	\$0 \$0 \$0 and conduct is the date the nitted and the costs)
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated employee tra soil sample	cost to submit soil sining to ensure that results were due. expected date that	ample results to t future soil sample Final dates are th t operational guid	0.0 0.0 0.0 the TCEC e results e dates t ance and entering	\$0 \$0 \$0 and to update o that the soil sample d employee trainin item (except for \$0 \$0	perational guidance time. Date requirec e results were subn g will be completed one-time avoided \$0 \$0	\$0 \$0 \$0 and conduct I is the date the filted and the costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated employee tra soil sample	cost to submit soil sining to ensure that results were due. expected date that	ample results to t future soil sample Final dates are th t operational guid	the TCEC results e dates t ance ance entering 0.0 0.0 0.0	\$0 \$0 \$0 and to update of are submitted on that the soil sample demployee training them (except for \$0 \$0 \$0 \$0	perational guidance time. Date requirec e results were subrig will be completed one-time avoided \$0 \$0 \$0	\$0 \$0 \$0 and conduct is the date the nitted and the costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated employee tra soil sample	cost to submit soil sining to ensure that results were due. expected date that	ample results to t future soil sample Final dates are th t operational guid	the TCEC e results e dates t ance and entering	\$0 \$0 \$0 and to update o are submitted on that the soil sampled employee training the management of the soil sampled employee training them (except for \$0 \$0 \$0 \$0	perational guidance time. Date required e results were subrig will be completed one-time avoided \$0 \$0 \$0 \$0	\$0 \$0 \$0 and conduct is the date the nitted and the
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated employee tra soil sample	cost to submit soil sining to ensure that results were due. expected date that	ample results to t future soil sample Final dates are th t operational guid	the TCEGe results e dates tance and entering 0.0	\$0 \$0 \$0 \$0 and to update o are submitted on that the soil sample demployee training them (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	perational guidance time. Date requirect e results were subrig will be completed one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 and conduct Is the date the nitted and the
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated employee tra soil sample	cost to submit soil sining to ensure that results were due. expected date that	ample results to t future soil sample Final dates are th t operational guid	0.0 0.0 0.0 0.0 the TCEG e results e dates t ance and intering 0.0 0.0 0.0 0.0	\$0 \$0 \$0 and to update o that the soil sample d employee trainin item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	perational guidance time. Date requirec e results were subri g will be completed one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 and conduct I is the date the nitted and the costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated employee tra soil sample	cost to submit soil sining to ensure that results were due. expected date that	ample results to t future soil sample Final dates are th t operational guid	the TCEGe results e dates tance and entering 0.0	\$0 \$0 \$0 \$0 and to update o are submitted on that the soil sample demployee training them (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	perational guidance time. Date requirect e results were subrig will be completed one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 and conduct Is the date the nitted and the
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated employee tra soil sample	cost to submit soil sining to ensure that results were due. expected date that	ample results to t future soil sample Final dates are th t operational guid	0.0 0.0 0.0 0.0 the TCEG e results e dates t ance and intering 0.0 0.0 0.0 0.0	\$0 \$0 \$0 and to update o that the soil sample d employee trainin item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	perational guidance time. Date requirec e results were subri g will be completed one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 and conduct Is the date the niltted and the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
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Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated employee transoil sample	cost to submit soil sining to ensure that results were due. expected date that	ample results to future soil sample Final dates are th operational guid d costs before e	0.0 0.0 0.0 the TCEC e results e dates t ance and entering 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 and to update o are submitted on that the soil sampl d employee trainin item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	perational guidance time. Date requirec e results were subri g will be completed one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 and conduct Is the date the niltted and the \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

The Committee of the Section of the Committee of the Comm

WQ0003290000

Compliance History Customer/Respondent/Owner-Operator: CN600796742 DE RIDDER, PETER WILFRIDUS Classification: AVERAGE Rating: 2.00 Regulated Entity: RN101522233 DE RIDDER DAIRY Classification: AVERAGE Site Rating: 2.00 ID Number(s): WASTEWATER AGRICULTURE **PERMIT** Location: 1572 CR 202, ERATH CO. TX Rating Date: September 01 06 Repeat Violator: NO TCEQ Region: **REGION 04 - DFW METROPLEX** Date Compliance History Prepared: June 13, 2007 Agency Decision Requiring Compliance History: Enforcement Compliance Period: June 13, 2002 to June 13, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Phone: 512-239-1364 Name: Lynley Doyen **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? N/A 4. If Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A B. Any criminal convictions of the state of Texas and the federal government, N/A C. Chronic excessive emissions events. N/A D. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 07/15/2002 (2644) 2 07/03/2003 (126173) 3 08/26/2004 (277938) 4 08/11/2005 (403409) 5 05/16/2006 (454892) 6 03/29/2007 (543643) E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) Date: 07/12/2002 (2644) Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 321, SubChapter B 321.41(a)(1) Description: Failure to complete training requirements for facilities in the Dairy Outreach **Program Areas** Date: 07/03/2003 (126173) Classification: Minor Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(24)(K) Description: Failure to maintain earthen pen to prevent ponding in earthen pen Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(11) Description: Failure to dewater to accommodate a 25-year/24 hour rainfall event Date: 07/09/2004 (277938)

Date: 08/08/2005 (403409)

Self Report? NO

Citation: 30 TAC Chapter 321, SubChapter B 321.49(f)

Citation: 30 TAC Chapter 321, SubChapter B 321.42(j)

Description: Failure to submit soil sample results to the TCEQ within the required 60 days

Classification: Minor

Classification: Minor

Description: Failure to submit soil analysis results to the TCEQ within 60 days of the date the samples are collected for analysis.

Classification: Minor

Self Report? NO Classific Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(14)

Description: Failure to install and maintain a rain gauge capable of measuring the design rainfall event.

Date: 05/05/2006 (454892)

Classification: Minor

Self Report? NO Classification: 30 TAC Chapter 321, SubChapter B 321.49(f)
Description: Fallure to submit soil analysis results to the TCEQ within 60 days of the date the samples are collected for analysis.

Classification: Minor

Self Report? NO Classific Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(14)

Description: Fallure to install and maintain a rain gauge capable of measuring the design

rainfall event.

Environmental audits. F.

N/A

Type of environmental management systems (EMSs). G.

N/A

H. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program. 1.

N/A

Early compliance. J.

N/A

Sites Outside of Texas

N/A

	Penalty Calculation	n Worksheet (PCW)	
Policy Revision 2 (Septe	mber 2002)	PCW Revisi	on March 19, 2007
TCEQ			And the second second
DATES Assigned PCW	2-Apr-2007 13-Jun-2007 Screening 4-Apr-2007	EPA Due	
FCW	13-3411-2007 Screening 4-Apr-2007	EFA DUE	
RESPONDENT/FACILITY I			
	Peter Wilfridus de Ridder dba de Ridder Dai	ry	
Reg. Ent. Ref. No. F Facility/Site Region 4		Major/Minor Source Minor	
Facility/Site Region[4	-Dallas/1 Off Worth	Major/Millor Source Willor	Particular Address Applications and Applications are applications of the Application of t
CASE INFORMATION			
Enf./Case ID No. 3		No. of Violations 2	
Docket No. 2 Media Program(s)	2007-0552-AGR-E	Order Type Findings Enf. Coordinator Lynley Doyen	
Multi-Media	Valer Quality	EC's Team EnforcementTeam 1	
Admin. Penalty \$ Li	mit Minimum \$0 Maximum	\$10,000	
	Penalty Calcula	tion Section	
TOTAL BASE PENALT	ΓΥ (Sum of violation base penaltie	Subtotal 1	\$2,000
	uuteenikka kenka kuun kuun matuu ka		
ADJUSTMENTS (+/-) 7	FO SUBTOTAL 1 ad by multiplying the Total Base Penalty (Subtotal 1) by	the indicated percentage	
Compliance Histor		Enhancement Subtotals 2, 3, & 7	\$200
T	The penalty is enhanced due to five prior		
Notes	same or similar to those cited	i	
Ļ			
Culpability	No 0%	Enhancement Subtotal 4	\$0
Notes	The Respondent does not meet the	e culpability criteria.	
L			
Good Faith Effort	to Comply 0%	Reduction Subtotal 5	\$0
	Before NOV NOV to EDPRP/Settlement Offer		
Extraordinary			*
Ordinary N/A	X (mark with x)		
"		The state of the s	
Notes	The Respondent does not meet the	e good faith criteria.	
L.	WARE THE WARE AND THE WARE WAS AND A STREET A STREET AND		
		Enhancement* Subtotal 6 If at the Total EB \$ Amount	\$0
	cost of Compliance \$10,000	rattile rotal ED \$ Amount	
	Profit Main ese Communications who is the profit of the communication of the communication of the communication of		
SUM OF SUBTOTALS	47	Final Subtotal	\$2,200
OTHER EXCTORS AS	JUSTICE MAY REQUIRE		\$0
	btotal by the indicated percentage. (Enter number only	Adjustment	φυ
Γ			
Notes			
L		Final Banalius Amarini	¢2.200
		Final Penalty Amount	\$2,200
STATUTORY LIMIT A	DJUSTMENT	Final Assessed Penalty	\$2,200
		ক্ষাৰ প্ৰতিষ্ঠান কৰিছে কিন্তু কৰিছে কৰ স্থান	,
DEFERRAL		0% Reduction Adjustment	\$0
Reduces the Final Assessed Pena	alty by the indicted percentage. (Enter number only; e.g.	g. 20 for 20% reduction.)	
Notes	No deferral is recommended for	Findings Orders	
inoles I	ind deterral is recommended for	i iliuliya Olucia.	

\$2,200

PAYABLE PENALTY

			4-Apr	

Docket No. 2007-0552-AGR-E

PCW

Respondent Peter Wilfridus de Ridder dba de Ridder Dairy

Case ID No. 33160

Reg. Ent. Reference No. RN101522233

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Policy Revision 2 (September 2002) PCW Revision March 19, 2007

	/ Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)		0%
	Other written NOVs	5	10%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders .	Any adjudicated final enforcement orders, agreed final enforcement orders without a denia of liability, or default orders of this state or the federal government, or any final prohibitor emergency orders issued by the commission	the street of th	′ 0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liabilit of this state or the federal government (number of judgements or consent decrees meeting criteria)	Contract the contract the contract of the	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federa government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texa Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privileg Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	e 0	0%
x	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	; 0%
Other	Voluntary on-site compliance assessments conducted by the executive director under special assistance program	a No	0%
Oute	Participation in a voluntary pollution reduction program	No ,	. 0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	nt No	0%
	Adjustment	Percentage (S	ıbtotal 2)
t Violator (Su	1. A control of the C		
No	Adjustment	Percentage (Si	ıbtotal 3)
liance History	y Person Classification (Subtotal 7)		
Average P	erformer Adjustment	Percentage (Si	ıbtotal 7)
liance History	y Summary		
Compliance History Notes	The penalty is enhanced due to five prior NOVs with violations not same or similar to tho action.	se cited in this	anang t

Screening Date	•		ket No. 2007-0552-AGR-E		PCW
(A 789C 1900)		de Ridder dba de Ridder Dair	у ,	Policy Revision	n 2 (September 2002)
Case ID No.		•		PCW Re	vision March 19, 2007
Reg. Ent. Reference No.					
Media [Statute]					000000
Enf. Coordinator	Lynley Doyen				
Violation Number					
Rule Cite(s)		30 Tex. Admin. C	ode § 321.42(s)		
Violation Description	("CNMP" ("TSSWCB").	') certified by the Texas State Specifically, a CNMP was sul	mprehensive nutrient management Soil and Water Conservation Boomitted to the TSSWCB for review r additional information from the TCEQ.	ard v, but the	
			Base	e Penalty	\$10,000
>> Environmental, Property a	nd Human H	ealth Matrix			
		Harm			
OR Release		Moderate Minor			
Potential			Percent 0%		
>>Programmatic Matrix	2 8 8 8				
Falsification	Major	Moderate Minor			
	X		Percent 10%		· ·
Matrix Notes		100% of the rule requirement	was not met.		New Control of the Co
	2 5 20 2		Adjustment	\$9,000	7,4 (
	5		Adjustinent	\$9,000	i, vi. ⊈kj
					\$1,000
Violation Events					
Number of Vic	olation Events	2	58 Number of violation day	/S	
		<u> </u>		, •	
mark only one with an x	daily monthly quarterly semiannual annual single event	X	Violation Bas	e Penalty	\$2,000
Two month		commended from the Februa to the TSSWCB until the Apr	ary 5, 2007 deadline to submit req il 4, 2007 screening date.	uested	
Economic Benefit (EB) for th	is violation		Statutory Limit Te	st	
Estimated	d EB Amount	\$247	Violation Final Pen	alty Total	\$2,200
	-		al Assessed Penalty (adjusted t		\$2,200
	10.15 唐 · ·	医电影 医医心体性经量层	5.65 200 H 20 MH E		

Market Libert	CONTROL OF STREET STATE OF STREET	conomic	2.400.000.000.000.000.000.000.000.000.00	orks	sneet		
Respondent Case ID No. eg. Ent, Reference No.	. 33160	de Ridder dba de	Ridder Dairy				
	Water Quality					Percent Interest	Years of Depreciation
	24 727			200		5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			100			2 1 S 1 S 1 S 1 S 1 S 1 S 1 S 1 S 1 S 1
Delayed Costs				200	West Committee	17.77.74.516	
Equipment		Later Charles Constitution		0,0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)	\$10,000	31-Dec-2006	9-May-2007	0.4	\$12	\$236	\$247
Engineering/construction	- 111 (N. N. A. (144)	10.74 - Hartin (5-25)		0,0	\$0	\$0	\$0.,
Land				0.0	\$0	n/a " =	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	efetage of statement			0.0	\$0	n/a	\$0
Remediation/Disposal		Historia de la Companya de la Compa	in to the bullion of the strings in	0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	the plan w	vas required to be o	ertified and imple	mented.	Final date is the	nent plan. Date required to the compliance was cone-time avoided of \$0	s achieved.
Disposal Personnel pspection/Reporting/Sampling	2000000			0.0	\$0	\$0	\$0 \$0 \$0
Personnel spection/Reporting/Sampling				0.0	\$0 \$0	\$0 \$0 \$0	\$0 \$0
Personnel spection/Reporting/Sampling Supplies/equipment				0.0	\$0	\$0	\$0 \$0 \$0
Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0
Personnel nspection/Reporting/Sampling Supplies/equipment				0.0	\$0 \$0 \$0	\$0 \$0	\$0 \$0 \$0 \$0
Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

ering, en ering and all the

\$11 E	eening Date 4	•		et No. 2007-0552-AGR-E	PCW
		Peter Wilfridus de Ridder	r dba de Ridder Dairy		Policy Revision 2 (September 2002)
\$	Case ID No. 3				PCW Revision March 19, 2007
	eference No. F			•	Department
	dia [Statute] v				TO STATE OF THE ST
	Coordinator L				Liver statement of the
Vio	lation Number	2			
	Rule Cite(s)	Tex. Water Code §	§§ 5.702 and 26.0135((h) and 30 Tex. Admin. Code § 2	1.4
	ļ.				
Violatio	on Description			Quality fees and associated late cal Years 2005, 2006, and 2007.	fees for
				Base	Penalty \$10,000
>> Environmenta	al, Property an	id Human Health M	atrix		
AF SE		Harm			***************************************
On	Release	Major Moderate	Minor		*
OR	Actual Potential			Barrant [00/]	
12 14	Poteritian			Percent 0%	-
>>Programmatic	Matrix				
\$5 DE	Falsification	Major Moderate	e Minor		***************************************
\$1. \$4				Percent 0%	
基本基					open control of the c
Matrix					
Notes			N/A		
161					Ÿ-ù-
	3 5 3 5			Adhyatasast	\$10,000
			148 418 512 5	Adjustment	\$10,000
					\$0
Violation Events		3 3 3 3 3	* 15 E		14.00 (12.00)
	Number of Viola	ation Events		Number of violation days	
				, turned of trolation day	
		daily			
e de la companya del companya de la companya del companya de la co		monthly			
****	mark only one	quarterly		Violation Base	Penalty \$0
	with an x	semiannual	4		999
		annual single event			
		anigio event			
·					
****	No penalty i	is recommended becaus	se fees and interest wi	Il be assessed at the next billing	cycle.

Economic Benef	it (EB) for this	violation		Statutory Limit Tes	t
					- 1
***************************************	Estimated 1	EB Amount	\$0	Violation Final Pena	Ity Total \$0
			This violation Fina	I Assessed Penalty (adjusted fo	or limits) \$0
			· · · · · · · · · · · · · · · · · · ·	The second of th	φο

	33160 RN101522233						17
Media Violation No	Water Quality 2	•			and the firm of the	Percent Interest	Years of Depreciation
					第4 4 4	5.0	1
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
tem Description	No commas or \$						
Delayed Costs						142 6	
Equipment				0.0	\$0	\$0	\$0
Buildings	Section of Links			0.0	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)	or specific than a continue	and the state of t		0.0	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction		California State of the Control		0.0	\$0 \$0	n/a i	\$0
Land Record Keeping System		and the state of t		0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)		300000		0.0	\$0	n/a	\$0
Notes for DELAYED costs	2 2 3 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4			N/A	(T)		
	S ANN	UALIZE [1] avoide	d costs before e	entering	item (except for	one-time avoided o	
Avoided Costs	**************************************		7111	0,0	\$0,	\$0	\$0
Avoided Costs Disposal	TREASURE CONTRACTOR			0,0	\$0	\$0	\$0
Disposal Personnel	er i i compaña a parte de la compaña de la c			0.0	\$0	\$0	\$0
Disposal Personnel Inspection/Reporting/Sampling	37.20					\$0	\$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		100000000000000000000000000000000000000	direction opposite the	0.0	\$0		
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.0	\$0	\$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Saupliment Financial Asseurance [2] ONE-TIME avoided costs [3]				0.0	\$0 \$0	\$0 \$0	\$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.0	\$0	\$0	
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0	\$0 \$0	\$0 \$0	\$0

right profit registers

Compliance History

WQ0003290000

Customer/Respondent/Owner-Operator: CN600796742 DERIDDER, PETER WILFRIDUS Classification: AVERAGE Rating: 2.00 Regulated Entity: RN101522233 **DERIDDER DAIRY** Classification: AVERAGE Site Rating: 2.00 ID Number(s): WASTEWATER AGRICULTURE PERMIT 1572 CR 202, ERATH CO, TX Rating Date: September 01 06 Location: Repeat Violator: NO TCEQ Region: **REGION 04 - DFW METROPLEX** Date Compliance History Prepared: April 05, 2007 Agency Decision Requiring Compliance History: Enforcement Compliance Period: April 04, 2002 to April 04, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Lynley Doyen Phone: 512-239-1364 **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? 4. If Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. A N/A B Any criminal convictions of the state of Texas and the federal government. N/A C. Chronic excessive emissions events. N/A Đ. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 07/15/2002 (2644) 2 07/03/2003 (126173) 3 08/26/2004 (277938) 4 08/11/2005 (403409) 5 05/16/2006 (454892) 6 03/29/2007 (543643) E. Written notices of violations (NOV), (CCEDS Inv. Track, No.) Date: 07/12/2002 (2644) Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 321, SubChapter B 321.41(a)(1) Description: Failure to complete training requirements for facilities in the Dairy Outreach Program Areas Date: 07/03/2003 (126173) Classification: Minor Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(24)(K) Description: Failure to maintain earthen pen to prevent ponding in earthen pen Classification: Moderate Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(11) Description: Failure to dewater to accommodate a 25-year/24 hour rainfall event Date: 07/09/2004 (277938)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 321, SubChapter B 321.42(j)

Description: Failure to submit soil sample results to the TCEQ within the required 60 days

Date: 08/08/2005 (403409)

Self Report? NO Citation: 30 TAC Chapter 321, SubChapter B 321.49(f) Classification: Minor

Description: Failure to submit soil analysis results to the TCEQ within 60 days of the date the samples are collected for analysis.

Classification: Minor

Self Report? NO Classific Clation: 30 TAC Chapter 321, SubChapter B 321.39(f)(14)
Description: Fallure to install and maintain a rain gauge capable of measuring the design rainfall event.

Date: 05/05/2006 (454892)

Classification: Minor

Self Report? NO Classification Citation: 30 TAC Chapter 321, SubChapter B 321.49(f)
Description: Fallure to submit soil analysis results to the TCEQ within 60 days of the date the samples are collected for analysis.

Classification: Minor

Self Report? NO Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(14)

Description: Failure to install and maintain a rain gauge capable of measuring the design

F. Environmental audits.

N/A

Type of environmental management systems (EMSs). G.

N/A

Н. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program. l.

N/A

Early compliance. J.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§ .	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
PETER WILFRIDUS DE RIDDER DBA	§	
DE RIDDER DAIRY	§	
RN101522233	·§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0552-AGR-E

At its	agenda, the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ")	considered this agreement of the parties, resolving an enforcement action
regarding Peter Wilfridus de	e Ridder dba de Ridder Dairy ("Mr. de Ridder") under the authority of TEX.
WATER CODE chs. 5, 7 and	26. The Executive Director of the TCEQ, through the Enforcement Division,
and Mr. de Ridder presented	this agreement to the Commission.

Mr. de Ridder understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Mr. de Ridder agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Mr. de Ridder.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. Mr. de Ridder owns and operates a dairy located at 1572 County Road 202 in Erath County, Texas (the "Facility").

- 2. Mr. de Ridder has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
- 3. During a record review on March 9, 2007, TCEQ staff documented that Mr. de Ridder had not developed and was not operating under a comprehensive nutrient management plan ("CNMP") certified by the Texas State Soil and Water Conservation Board ("TSSWCB"). Specifically, a CNMP was submitted to the TSSWCB for review, but Mr. de Ridder failed to respond to requests for additional information from the TSSWCB and TCEQ.
- 4. During an overdue fee review on April 4, 2007, TCEQ staff determined that Mr. de Ridder had not paid outstanding Consolidated Water Quality fees and associated late fees for TCEQ Account No. 23001407 for Fiscal Years 2005, 2006, and 2007.
- 5. During an investigation on April 17, 2007, TCEQ staff observed significant ponding or puddling and manure stockpiles located in a calf lot on the east side of the Facility in a location where contaminated runoff was not directed to a retention control structure.
- 6. During an investigation on April 17, 2007, TCEQ staff documented that the soil sample results were not submitted to the TCEQ within 60 days of the sampling. Specifically, the sample results dated September 22, 2006 were not submitted to the TCEQ until December 1, 2006.
- 7. Mr. de Ridder received notices of the violations on April 4, 2007 and May 30, 2007.
- 8. The Executive Director recognizes that on May 9, 2007, Mr. de Ridder began operating under a CNMP certified by the TSSWCB.

II. CONCLUSIONS OF LAW

- 1. Mr. de Ridder is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5, 7 and 26 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3, Mr. de Ridder failed to develop and operate under a CNMP certified by the TSSWCB, in violation of 30 Tex. ADMIN. CODE § 321.42(s).
- 3. As evidenced by Findings of Fact No. 4, Mr. de Ridder failed to pay outstanding Consolidated Water Quality fees and associated late fees, in violation of Tex. WATER CODE §§ 5.702 and 26.0135(h) and 30 Tex. ADMIN. CODE § 21.4.
- 4. As evidenced by Findings of Fact No. 5, Mr. de Ridder failed to store stockpiled manure in a well drained area with no ponding of water and in a contained area where contaminated runoff would be retained on site, in violation of 30 Tex. ADMIN. Code § 321.39(f)(24)(B).

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Peter Wilfridus de Ridder dba de Ridder Dairy DOCKET NO. 2007-0552-AGR-E Page 3

- 5. As evidenced by Findings of Fact No. 6, Mr. de Ridder failed to timely submit soil sample results to the TCEQ within 60 days of the sampling, in violation of 30 Tex. ADMIN. CODE § 321.49(f).
- 6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. de Ridder for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 7. An administrative penalty in the amount of Three Thousand Five Hundred Forty-Two Dollars (\$3,542) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Water Code § 7.053. Mr. de Ridder has paid the Three Thousand Five Hundred Forty-Two Dollar (\$3,542) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. de Ridder is assessed an administrative penalty in the amount of Three Thousand Five Hundred Forty-Two Dollars (\$3,542) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Mr. de Ridder's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Peter Wilfridus de Ridder dba de Ridder Dairy, Docket No. 2007-0552-AGR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. Mr. de Ridder shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit payment for all outstanding fees, including any associated penalties and interest and with the notation, "Re: Peter Wilfridus de Ridder dba de Ridder Dairy, TCEQ Account No. 23001407," to the address referenced in Ordering Provision No. 1 above;

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- ii. Remove the stockpiles of manure from the calf lot on the east side of the Facility and relocate storage stockpiles to an area where contaminated runoff will drain into the retention control structure; and
- iii. Initiate employee and operator training to ensure that all record keeping and reporting requirements are properly accomplished, including the procedures for reporting the soil sample results within the required time frames.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2301 Gravel Drive Fort Worth, Texas 76118-6951

- 3. The provisions of this Agreed Order shall apply to and be binding upon Mr. de Ridder. Mr. de Ridder is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If Mr. de Ridder fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. de Ridder's failure to comply is not a violation of this Agreed Order. Mr. de Ridder shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. de Ridder shall notify the Executive Director within seven days after

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Mr. de Ridder becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. de Ridder shall be made in writing to the Executive Director. Extensions are not effective until Mr. de Ridder receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. de Ridder if the Executive Director determines that Mr. de Ridder has not complied with one or more of the terms or conditions in this Agreed Order.
- 7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 8. This Agreed Order, issued by the Commission, shall not be admissible against Mr. de Ridder in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

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Peter Wilfridus de Ridder dba de Ridder Dairy DOCKET NO. 2007-0552-AGR-E Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Execu	tive Direc	tor
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For the Commission

8/29/07

I, the undersigned, have read and understand the attached Agreed Order in the matter of Peter Wilfridus de Ridder dba de Ridder Dairy. I am authorized to agree to the attached Agreed Order on behalf of Peter Wilfridus de Ridder dba de Ridder Dairy, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Peter Wilfridus de Ridder dba de Ridder Dairy waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

Name (Printed or typed)

Authorized Representative of

Peter Wilfridus de Ridder dba de Ridder Dairy

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order

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